

# United States District Court

EASTERN DISTRICT OF WISCONSIN

## JUDGMENT IN A CIVIL CASE

**BETTIE DAVIS**  
on behalf of **Dominque Allen,**

Plaintiff,

V.

CASE NUMBER: **02-C-879**

**JO ANNE BARNHART**  
Commissioner of Social Security Administration,

Defendant.

- ☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- ☒ **Decision by Court.** This action came on for consideration and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that pursuant to sentence four of 42 U.S.C. § 405(g), the final decision of the Commissioner of the Social Security Administration denying the Plaintiff's applications for disability insurance benefits and SSI based upon Plaintiff's May 27, 1997, benefit applications alleging he was disabled as of February 24, 1997 is **REVERSED**. The Commissioner's final decision, at step five of the procedure for the sequential analysis of social security cases, that Plaintiff was not disabled because he could perform a significant number of select janitorial positions within Wisconsin, is not supported by substantial evidence. This case is **REMANDED** to the Commissioner of the Social Security Administration for further proceedings. This case is hereby **DISMISSED**.

September 22, 2005  
Date

SOFRON B. NEDILSKY  
Clerk

s/ Linda M. Zik  
(By) Deputy Clerk